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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 03, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEREK S.,<sup>1</sup>

Plaintiff,

v.

LELAND DUDEK, COMMISSIONER  
OF SOCIAL SECURITY,<sup>2</sup>

Defendant.

NO: 4:24-cv-05112-RLP

ORDER GRANTING STIPULATED  
MOTION FOR REMAND

BEFORE THE COURT is the Defendant's Stipulated Motion for Remand, ECF No. 16. Based on the stipulation of the parties, the Court finds good cause to

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<sup>1</sup> The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

<sup>2</sup> Leland Dudek became the Acting Commissioner of Social Security on February 18, 2025. Pursuant to Rule 25(d) of the Rules of Civil Procedure, Leland Dudek is substituted for Carolyn Colvin as the Defendant in this suit.

1 grant the motion. Accordingly, pursuant to the stipulation, **IT IS HEREBY**

2 **ORDERED:**

3 1. Defendant's Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

4 2. This case is **REVERSED** and **REMANDED** for further administrative  
5 proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

6 3. The Appeals Council will remand the case to an Administrative Law  
7 Judge to:

8     • Obtain medical expert evidence regarding Plaintiff's mental  
9         limitations;

10     • Reconsider whether Plaintiff meets or equals a Listing under 12.00;

11     • Reconsider the medical opinions;

12     • Reconsider the claimant's residual functional capacity;

13     • Continue with the sequential evaluation process, to include obtaining  
14         vocational expert testimony, as necessary; and

15     • Offer Plaintiff the opportunity for a hearing, take further action to  
16         complete the administrative record, and issue a new decision.

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18 4. Upon proper presentation, this Court will consider Plaintiff's application  
19         for costs, expenses, and reasonable attorney's fees under the Equal  
20         Access to Justice Act, 28 U.S.C. § 2412(a), (d).

21 5. Plaintiff's Opening Brief, **ECF No. 11**, and the hearing and remaining  
   briefing schedule are **VACATED** as moot.

1           **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
2 Order and provide copies to counsel. Judgment shall be entered for Plaintiff and  
3 the file shall be **CLOSED**.

4           **DATED** March 3, 2025.

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6           REBECCA L. PENNELL  
7           United States District Judge

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